



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,075	04/12/2004	Olivier Golibrodski	5974-155	3982
27383 7590 02/20/2009 CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131				
EXAMINER				
SAX, STEVEN PAUL				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
02/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,075

Applicant(s)

GOLIBRODSKI ET AL.

Examiner

Steven P. Sax

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12, 16-19, 21-23, 26-30 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) 5-12, 16-19, 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 26-30 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.
2. The amendment filed 10/21/08 has been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-23, 26-27, 29-30, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami et al (6295063) and Gilley et al (5745666).
5. Regarding claim 22, Minami et al show: a computer system operation method for displaying a computer-generated three-dimensional model of an object on a display (abstract), the method comprising the steps of:
converting the computer generated three-dimensional model of the object to a computer generated two-dimensional visualization of the object (Figures 13, 14, 15, 45, column 13 line 55 – column 14 line 25, column 16 lines 1-25), said computer generated three-dimensional model of the object being in one of a plurality of projection planes, and said computer-generated two-dimensional visualization of the object being in

Art Unit: 2174

a first selected projection plane from said plurality of selection planes (Figures 20, 22, 23, 35, column 16 line 59 – column 17 line 45, column 18 lines 10-55). Minami et al do not go into the interactive details of receiving a second selected projection plane for said two-dimensional visualization, displaying said two-dimensional visualization in said second selected projection plane, and generating the projection of said three-dimensional model in said second selected projection plane after said two-dimensional visualization in said second selected projection plane has been displayed, but do mention plural projection sequences (column 27 lines 25-60). Furthermore, Gilley et al show this for a computer generated model, to aid in projection sequences (column 3 lines 13-35, column 5 lines 10-40, column 7 lines 35-60). It would have been obvious to a person with ordinary skill in the art to have this in Minami et al, because it would allow convenient sequences of projections and visualizations.

6. Regarding claim 23, the display of the two dimensional visualization is limited to pixel data (column 14 lines 1-20)

7. Regarding claim 26, the steps of receiving a second selected projection plane and displaying said two-dimensional visualization in said second selected projection plane are iteratively repeated (Figure 6, column 12 lines 7-40), and the step generating the projection of said three-dimensional model of the object to in said second selected projection plane includes the step of receiving an approval for said second selected .projection plane and displaying said three-dimensional

Art Unit: 2174

model in said second selected projection plane after receiving said approval (Figure 53, column 24 lines 1-35).

8. Regarding claim 27, the step of receiving a second selected projection plane includes the step of providing a manipulator tool button for selecting said second projection plane (Gilley et al column 8 lines 25-45. The obviousness to have this in Minami et al is the same as that in paragraph 5 of this Office Action).

9. Regarding claim 29, the manipulator tool includes a programmable interactive button and wherein the step of displaying said two-dimensional visualization in said second selected projection plane includes the step of displaying said two-dimensional visualization in said second selected projection plane in response to an activation of the programmable interactive button (Gilley et al column 8 lines 25-45. The obviousness to have this in Minami et al is the same as that in paragraph 5 of this Office Action).

10. Regarding claim 30, in addition to that mentioned for claim 22, note a user interactive device tracking the circumference of a circle displayed on said computer screen, wherein selecting the interactive device and rotating it in a clockwise or counter-clockwise direction will cause said first projection plane to rotate about an axis which is perpendicular to the computer screen (Minami et al column 37 lines 15-50. The obviousness to have this as a tool button is the same as that mentioned in paragraph 5 of this Office Action).

11. Claim 42 shows the same features as claim 22 and is rejected for the same reasons.

12. Regarding claim 43, selecting the interactive device and various other controls is accomplished by clicking a pointing device controlling a cursor while the cursor is positioned over the interactive device (Minami et al column 9 lines 57-65 and Gilley et al column 8 lines 25-45).

13. Regarding claim 44, the interactive device is incorporated into a graphical manipulator software tool (Gilley et al column 8 lines 25-45. The obviousness to have this in Minami et al is the same as that mentioned in paragraph 5 of this Office Action).

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minami et al (6295063) and Gilley et al (5745666) and LaHood (5874956).

15. Regarding claim 28, in addition to that mentioned for claim 30, neither Minami et al nor Gilley et al go into the details that the manipulator tool includes a plurality of quadrants, each of said plurality of quadrants representing a predetermined number of degrees of rotation in a predetermined direction around an orthogonal axis, but see paragraph 10 in this Office Action and note the

Art Unit: 2174

rotating and obviousness to have this in a manipulator tool. Now, LaHood does show the plurality of quadrants feature as described (Figure 5, column 6 for example). This feature in the combination already suggested by Minami et al and Gilley et al then would be such that receiving a second projection plane includes the step of receiving a selected one of said plurality of quadrants and rotating said first selected projection plane said predetermined number of degrees and in said predetermined direction around said orthogonal axis associated with said selected quadrant. It would in fact have been obvious to a person with ordinary skill in the art to have this in the combination of Minami et al and Gilley et al, because it would allow convenient rotating of the projection plane.

16. Applicant's arguments filed have been fully considered but they are not persuasive. Please note that several portions of Minami were cited. Even regarding the portion that discusses that the present invention can be directly realized in three dimensions, note that Minami shows that whatever is setup to be displayed in two dimensions may then be setup in three dimensions. The model per se, thus is already existing, and this is what must be converted to be displayed in three dimensions. Examiner does not dismiss the interactive details at all. Applicant argues whether Minami discusses the interactive details, but note that the Office Action brings in Gilley to show these features. These features are: receiving a second selected projection plane for said two-dimensional visualization, displaying said two-dimensional visualization in said

Art Unit: 2174

second selected projection plane, and generating the projection of said three-dimensional model in said second selected projection plane after said two-dimensional visualization in said second selected projection plane has been displayed, but do mention plural projection sequences (column 27 lines 25-60).

Gilley et al show this for a computer generated model, to aid in projection sequences (column 3 lines 13-35, column 5 lines 10-40, column 7 lines 35-60).

As to the specific technique of how Gilley may or may not differ from the invention, what is relevant is that Gilley shows the claimed features, and it is obvious to combine them with Minami. The motivation is allowing convenient sequences of projections and visualizations. Both references do mention this and would be able to function in combination. LaHood brings out the quadrant feature, and is not used for the other features taught by Minami and Gilley. Please note that the claims are still broad. Please contact Examiner to discuss possible remedy of remaining issues.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 2174

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
